



***Quarterly report on the human rights situation in Burundi from 1  
July to 30 September 2019***



***Killing in front of cameras with impunity***

*November 2019*

## Executive summary

The extremely worrying human rights situation in Burundi could not be better described than by the words used in the synthesis of the report of the International Commission of Inquiry on Burundi. It states that “serious human rights violations continue to be committed in Burundi, in a general climate of impunity. Some of these violations constitute crimes under international law. Members of the ruling party's Youth League, the Imbonerakure, are the main authors. National Intelligence Service (SNR) and police officers as well as local administrative officials have also been frequently identified as perpetrators of these violations<sup>1</sup>».

In the face of increasing tensions in the run-up to the elections scheduled for 2020, materialized by the repression orchestrated by the government and its acolytes to lock up the political space and stifle any dissenting voice, the commission of inquiry has initiated an early warning and prevention system. The alert system identifies eight factors that characterize the country's worrisome situation, in particular the continuing insecurity caused by structures intended to protect the population. Moreover, many of the histories of serious human rights violations remain unpunished, as are the current crimes, either because of lack of Will or capacity on the part of the structures empowered to do so, especially the non-independent judicial system.

The serious crimes of the past are also the subject of selective manipulation of memory, separate commemorations of bloody events through messages, divisive discourse and hatred. The recent reopening of the case concerning the assassination of president Melchior Ndadaye on 21 October 1993 is a perfect illustration of this. The framework within which the issue should be addressed is well defined in the Arusha Agreement. Trials have been opened selectively and deliberately, leaving aside the almost simultaneous mass crimes that took away thousands of innocent citizens after the assassination of President Ndadaye.

Among the factors identified by the commission of inquiry is also the use of violence for political purposes to gain and maintain power. Finally, there is the absence of mechanisms or structures to mitigate these risks, as evidenced by the blocking of democratic spaces, the stifling of fundamental freedoms (opinion, expression, associations, worship, etc.) and the hostility towards any independent civil society that can play a role of counter-power. After the exile of many of its leaders and the removal of the main organizations, the government undertook a witch-hunt against anyone with any ties to its organizations. It is in this context that we must place the confirmation of the conviction of the Human Rights Defender Germain Rukuki, on 17 July 2019, to a heavy sentence of 32 years for " participation in an insurrectionary movement, attack on the internal security of the State, attack against the authority of the state, rebellion<sup>2</sup> ». Membership in a civil society organization has become a serious crime.

It is also in this context that tensions between the government and the Catholic Church must be placed. Indeed, in a pastoral letter that was read in all churches on September 22, 2019, the bishops accused the state summit of confusing the ruling party (CNDD-FDD) with the Administration less than a year before the elections. They also criticized the fact that the CNDD-FDD's Imbonerakure militia systematically replaced the police.<sup>3</sup> The bishops' conference also noted that " messages of hatred continue to be spread "and that" there are human

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<sup>1</sup> <https://undocs.org/fr/A/HRC/42/49>

<sup>2</sup> <http://www.rfi.fr/afrique/20190724-burundi-condamnation-confirmer-appel-germain-rukuki>

<sup>3</sup> <https://africa.la-croix.com/au-burundi-passe-darmes-entre-lepiscopat-et-le-parti-au-pouvoir/>

rights violations and politically motivated killings " in some provinces of the country, the victims of which are activists of opposition parties. "with impunity. In addition, the bishops warned against "the politicisation of children in recent days by political parties". In short, a situation " that may explode<sup>4</sup> ».

Before the conciliatory development of the spokesman for the president of the Republic, the Secretary General of the ruling party had accused the Catholic Bishops of "sowing hatred" and a campaign had been organized for the population to desert the Catholic places of worship<sup>5</sup>.

The risk factors mentioned by the commission of inquiry, which are close to the situation described by the Catholic Bishops of Burundi, are exactly the same as the observations on human rights violations collected by SOS-Torture.

Indeed, the early campaign climate marked by intense political mobilizations in particular CNL meetings have raised political tensions to a new level. CNL activists have become the main targets of attacks, arbitrary arrests and kidnappings by police officers, the National Intelligence service and elements of the imbonerakure militia. Activists from other political parties are not spared either.

The socio-economic situation is characterized mainly by continuing shortages of basic commodities, especially fuel, and the persistence of a malaria epidemic that continues to wreak havoc despite the government's refusal to accept and declare it. In spite of numerous requests in this direction.

With regard to human rights violations, the results of the quarter under review were forty (40) persons killed, ten (10) cases of torture, two (2) kidnappings perpetrated by SNR agents and elements of the imbonerakure militia, ninety-seven (97) arbitrary arrests and two (2) cases of rape.

The report presents the main categories of these violations illustrated by a few examples.

## *Recommandation*

### *To the Government of Burundi:*

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<sup>4</sup> <https://www.sosmediasburundi.org/2019/09/22/burundi-la-conference-des- eveques-catholiques-preoccupee-par-lintolerance-politique-et-la-multiplication-des-messages-de-haine-a-la-veille-des-elections-de-2020/>

<sup>5</sup> <https://www.iwacu-burundi.org/tout-va-bien-entre-leglise-catholique-et-le-gouvernement/>

1. To postpone the holding of elections that could lead Burundi into a more serious crisis, and to agree to participate in the inclusive dialogue in order to find a just and rapid solution to the current crisis;
2. Implement the announced measure to suppress all political aggression and immediately stop the persecution of CNL activists and other political parties;
3. Opening up the democratic space by guaranteeing political parties, civil society and the media the exercise of rights and freedoms guaranteed by national, regional and international instruments;
4. Put an end to the harassment of Human Rights Defenders and immediately and unconditionally release Germain Rukuki, unjustly sentenced to 32 years in prison;
5. To put an immediate and unconditional end to the recent selective prosecution of the alleged assassins of president Melchior Ndadaye by sparing the alleged perpetrators of the serious crimes and other massive human rights violations that followed this sad event and to prepare the overall framework for it as called for by the Arusha Agreement, in order to put an end to impunity for the crimes of the past, without exception and in full equity;
6. Cooperate fully with human rights mechanisms at the national, regional and international levels in the implementation of human Rights Council resolutions and collaborate with the International Criminal Court (ICC).

*To the East African Community:*

1. Scrupulously respect the relevant conventions to ensure the protection of refugees in the various countries and strictly adhere to the principle of voluntary return;
2. Drawing lessons from the failures of the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and involving other multilateral partners in an effective inclusive dialogue among all Burundian actors with a view to consolidating the achievements of the fundamental principles of the Arusha peace and reconciliation agreement signed in 2000 and the 2005 constitution;
3. Take coercive measures, including the use of an embargo, to ensure that the Burundian government accepts an inclusive negotiation without preconditions, as the stubbornness of Pierre Nkurunziza constitutes a threat to peace not only in Burundi but also in the region, and entails risks to the stability of the East African Community (ECA).

*To the international community :*

1. Take the necessary economic, political and diplomatic steps to ensure that the government of Burundi complies with its international commitments, and make a concrete and verifiable commitment to the return of the rule of law and the Arusha Agreement;
  2. Support the work of the International Criminal Court to complete the investigations begun on Burundi with a view to prosecuting without delay the perpetrators of serious crimes committed since the outbreak of the crisis in Burundi in 2015;
  3. Take appropriate measures to urge the Burundian authorities to cooperate fully with the United Nations mechanisms and the ICC;
  4. Closely monitor the human rights situation in Burundi, taking into account the risk factors developed by the International Commission of inquiry to prevent massive human rights violations.
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